

Cirrus Logic Docket No.: 0319-VPRT-US

#4

PLB Docket No.: 2069-053

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of

Alexander Julian Eglit

Serial No. 08/474,416

Filed: June 7, 1995

For: BRIGHTNESS CONTROL FOR LIQUID CRYSTAL DISPLAYS

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: Group Art Unit: 2609
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: Examiner: OSORIO, R
:

PETITION OF ASSIGNEE TO ACT AS AGENT FOR INVENTORS WHO
REFUSE TO SIGN A PATENT DECLARATION UNDER 37 CFR §1.47(b)

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

RECEIVED

March 26, 1997.

MAY 12 1997

Sir:

Under the provisions of 37 CFR §1.47(b), the Assignee of the
above-identified application, Cirrus Logic, Inc. requests that it
be permitted to make declaration on behalf of the inventor in
response to an Examiner's requirement for a new declaration.

The circumstances surrounding this request are as follows.

On or about June 5, 1995, the inventor, Alexander Julian Eglit
executed a Declaration relating to the above-identified
application. That the Declaration signed by the inventor related
to the above-identified application is indicated by the Declaration
containing the attorney's docket number for the above-identified
application and by the fact that the Declaration contained the same

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title of invention as this application. The Declaration as filed apparently contained a facsimile signature and not an original signature. On or about December 26, 1996, the Examiner required a new Declaration which was to recite the application Serial Number and filing date of the above-identified application.

Cirrus Logic, Inc. is Assignee of the entire right, title and interest in the above-identified application by virtue of an Assignment dated June 6, 1995, the same date on which the Declaration was executed, and recorded at Reel 7547, Frame 0558 among the Assignment records of the United States Patent and Trademark Office.

On information and belief, as shown in the attached redacted version of a Declaration of Shirley Church in support of a petition in a related case, the inventor, Alexander J. Eglit, has left the employment of Cirrus Logic, Inc. and has refused to sign Declarations in other applications. As indicated in the redacted Declaration of Shirley Church, the inventor is now in competition with Cirrus Logic, Inc. and it is unreasonable to expect that he would sign this Declaration anymore than he was willing to sign other Declarations. Accordingly, the undersigned respectfully requests that the attached Declaration be accepted in lieu of a Declaration by the inventor under the provisions of 37 CFR 1.47(b). The Assignee respectfully requests that the attached Declaration be accepted under the provisions of 35 USC 26 in lieu of properly

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executed Declaration which will be provided as soon as the original can be signed and returned to the undersigned.

Thus having made a bonafide attempt to respond to the Examiner's requirement, the Assignee respectfully requests that the Declaration be accepted and that examination of the above-identified application on the merits continue. A response to the outstanding Office Action is filed concurrently herewith.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-2237 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE, PRICE, LEBLANC & BECKER



David L. Stewart
Registration No. 37,578

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(703) 684-1111 DLS:kap
Facsimile: (703) 684-1124
Date: March 26, 1997

SUBSTITUTE DECLARATION

Cirrus Logic, Inc., Assignee of the entire interest in the patent application identified herein by virtue of an assignment recorded at reel 7547, frame 0558, as agent for the below named inventor, hereby declares that:

The inventor's residence, post office and citizenship are as stated below next to his name,

Cirrus Logic, Inc. believes and therefore avers that the inventor named below is the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled **BRIGHTNESS CONTROL FOR LIQUID CRYSTAL DISPLAYS**, the specification of which

☐ is attached hereto ☒ was filed on **June 7, 1995** as Application Serial No. **08/474,416** and was amended on (if applicable)

Cirrus Logic, Inc. hereby states that it has caused to be reviewed and understood the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

That Cirrus Logic, Inc. acknowledges on behalf of the inventor and in its own right the duty to disclose information which is known to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

Cirrus Logic, Inc. hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: Alexander Julian Eglit

Inventor's Residence: San Carlos, CA

Inventor's Citizenship: Russia

Inventor's Last Known Post Office Address: 2080 Brittan Ave., San Carlos, CA 94070

CIRRUS LOGIC, INC.

By: _____

Title: _____

Date: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

PATENT APPLICATION

Inventor(s): Inventor(s): Alexander J. Eglit,
[REDACTED]

Application No.: [REDACTED]

Group Art Unit: Not yet assigned

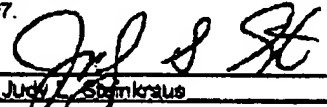
Filed: [REDACTED]

Examiner: Not yet assigned

Title: [REDACTED]
[REDACTED]
[REDACTED]

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"
UNDER 37 C.F.R. § 1.10**

"EXPRESS MAIL" MAILING LABEL NUMBER: EM563886589US
DATE OF DEPOSIT: February 10, 1997 I hereby certify that this
correspondence is being deposited with the United States Postal Service,
"Express Mail Post Office to Addressee service under 37 CFR 1.10 with
MAILING LABEL NUMBER filed in above, addressed to the Assistant
Commissioner for Patents, Washington, D.C. 20231 on February 10,
1997.


By: Judy L. Spinkraus (Signature)
(Type Name)

**DECLARATION OF SHIRLEY CHURCH
IN SUPPORT OF PETITION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I am the Patent Counsel charged with overseeing the patent department at Cirrus Logic, Inc. The following describes how the inventors Alexander Eglit, Vlad Bril and Robin Han refused to sign the declaration for the above referenced patent application. The following also describes my attempts at obtaining the inventor's signatures.

Each non-signing inventor was an employee of Cirrus Logic Inc. during 1996. Each non-signing inventor quit his job with Cirrus Logic, Inc. prior to August 28, 1996, the filing date of the above referenced patent application. Mr. Eglit terminated employment on May 3, 1996. The others terminated employment shortly thereafter.

Upon terminating employment with Cirrus Logic, Inc., the non-signing inventors collectively organized a company which is now developing products including LCD Display Controllers. Such display controllers will likely compete with controllers manufactured by Cirrus Logic, Inc. In fact, Alexander Eglit told me in a phone message on February 4, 1996 that he is now negotiating with the Chairman of the Board of Cirrus Logic for a technology cross license with our company. The technology involved in licensing negotiations includes the subject matter of the above referenced patent application.

I mailed a cover letter, a copy of the patent application and a declaration form on January 9, 1996 to each non-signing inventor. My cover letter requested execution of the declaration. All documents were sent via certified mail. A copy of the cover letters and corresponding mail certificate is attached as Exhibit "B".

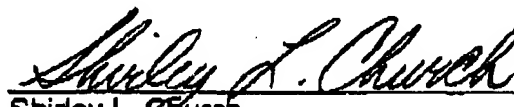
The non-signing inventors have not responded to my correspondence of January 9, 1996 except for Mr. Eglit. Mr. Eglit left a phone message on February 4, 1996 in which he expressly refused to sign the declaration, in part, because of his new company's endeavors.

This was not the first time that these same inventors have refused to sign patent application declarations for Cirrus Logic, Inc. U.S. Patent Application No. [REDACTED] for example, has the same signature refusal problem.

We seek only to protect intellectual property which rightfully belongs to Cirrus Logic, Inc.

I am aware that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 10001) and may jeopardize the validity of the application or any patent issuing thereon. The above statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Date: February 10, 1997


 Shirley L. Church
 Reg. No. 31,858

CIRRUS LOGIC, INC.
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 3100 W. Warren Avenue
 Fremont, CA 94538-6423
 510-252-6272